

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Marvin E. Aspen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	11 C 2523	DATE	June 7, 2011
CASE TITLE	Albert Millsapp (#439135) v. Edwin Gorman		

DOCKET ENTRY TEXT:

Plaintiff's application to proceed *in forma pauperis* [5] is granted. The trust fund officer at Plaintiff's place of confinement is authorized to deduct \$7.00 from Plaintiff's trust account and to continue making deductions in accordance with this order. The clerk shall issue summons for service of the complaint by the U.S. Marshal on Defendant and shall forward a consent form to proceed before a Magistrate Judge and instructions as to how file pleadings in this case.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff Albert Millsapp (#439135), currently confined at Kankakee County Jail, has filed this 42 U.S.C. § 1983 suit against Chicago Police Officer Edwin Gorman, Badge No. 20988. Plaintiff alleges that, on May 11, 2009, Defendant intentionally ran into Plaintiff with a patrol car, injuring Plaintiff's side and leg. When Plaintiff asked Officer Gorman why he drove into him, Gorman responded that he thought Plaintiff was fleeing.

Plaintiff has submitted a completed IFP application as instructed by the Court in its May 2, 2011, order. Plaintiff's application reveals that he cannot prepay the \$350 filing fee. The Court grants the motion and assesses an initial filing fee of \$7.00. The trust fund officer Plaintiff's place of confinement shall collect, when funds are available, the partial filing fee from Plaintiff's trust fund account and pay it directly to the clerk of court. After payment of the initial partial filing fee, Plaintiff's trust fund officer is directed to collect monthly payments from the account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments shall be forwarded to the clerk of court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and this case number. Plaintiff shall remain obligated for this filing fee and Kankakee County Jail officials shall notify transferee authorities of any outstanding balance in the even Plaintiff is transferred.

The Court has conducted a preliminary review as required under 28 U.S.C. § 1915A. Plaintiff's assertions that his arresting officer ran him over with a car states a colorable cause of action, such that Defendant must respond to the complaint. *See Sow v. Fortville Police Dept.*, 636 F.3d 293, 303 (7th Cir. 2011). The clerk shall issue summons for service of the complaint on Chicago Police Officer Edwin Gorman Badge No. 20988.

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STATEMENT (continued)

The United States Marshals Service is appointed to serve Defendant. Any forms necessary for the Marshal to serve Defendant shall be forwarded to Plaintiff. His failure to return the forms may result in the dismissal of the Defendant. With respect to a former employee who no longer can be found at the work address provided by Plaintiff, Chicago Police Department officials shall furnish the Marshal with Defendant's last-known address. The information shall be used only for purposes of effectuating service, or to show proof of service and documentation of the address shall be retained only by the Marshal. Address information shall not be maintained in the court file, nor disclosed by the Marshal. The Marshal is authorized to mail a request for waiver of service to Defendant in the manner prescribed by Fed. R. Civ. P. 4(d)(2) before attempting personal service. If unable to obtain a waiver, the Marshal shall attempt to serve Defendant with personal service.

Plaintiff is instructed to file all future papers concerning this action with the clerk of court in care of the Prisoner Correspondent. Plaintiff must provide the original plus a judge's copy of every document filed. In addition, Plaintiff must send an exact copy of any court filing to Defendant, or his attorney if one has entered an appearance. Every document filed must include a certificate of service stating to whom exact copies were mailed and the date of mailing. Any paper that is sent directly to the judge or that otherwise fails to comply with these instructions may be disregarded by the court or returned to the Plaintiff.

